

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CLARENCE JOHNSON,
Plaintiff,

v.

CITY OF PORTLAND POLICE
OFFICERS T. GRADWAHL #29981;
M. HOPPER #36239; J. GOLDSCHMIT
#28711; P. McCONNELL #28715;
C. DUAL #25075; J. DARBY #32384;
E. HAMANN #16415 (Individual and
Official Capacities); including MICHELA
NOELLE CURRY,
Defendants.

Civil Case No. 07-1325-AC

O R D E R

Clarence Johnson
69437-065
Federal Detention Center
P.O. Box 6000
Sheridan, Oregon 97378

Pro Se Plaintiff

William W. Manlove, III
City of Portland
1221 SW Fourth Avenue, Suite 430
Portland, Oregon 97204

Attorney for Defendants

KING, Judge:

The Honorable John Acosta, United States Magistrate Judge, filed Findings and Recommendation on March 5, 2008. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

I have reviewed the motion under the standards set forth in Bell Atlantic Corp. v. Twombly, __ U.S. __, 127 S. Ct. 1955 (2007).

I ADOPT Magistrate Judge Acosta's Findings and Recommendation (#16) based on those standards.

IT IS HEREBY ORDERED that Defendant City of Portland's Motion to Dismiss (#11) is granted. By May 1, 2008, plaintiff may file an Amended Complaint curing the deficiencies. If plaintiff fails to do so, his claims against the City of Portland will be dismissed with prejudice. Plaintiff's claims against the individual defendants are dismissed without prejudice.

DATED this 31st day of March, 2008.

/s/ Garr M. King
GARR M. KING
United States District Judge